

COUNTY OF YORK

MEMORANDUM

DATE: April 16, 2001 (BOS Mtg. 5/15/01)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application PD-13-01, Villa Development, L.L.C. and Rainbrook Villas, L.L.C.

ISSUE

This application requests to amend the York County Zoning Map by reclassifying approximately 10.14 acres located on the west side of Burts Road and further identified as parcels 29-18, 29-82, and portions of parcels 29-81, 29-82B, 29-82C, 29-82D and 29-83 from R-20 (Medium Density Residential), RC (Resource Conservation) and GB (General Business) to PD (Planned Development), to authorize the expansion of existing Rainbrook Villas from 112 units to 166 units; and a request to reclassify from R-20 (Medium Density Residential) to GB (General Business) approximately 1.6 acres located on the west side of Burts Road and further identified as portions of parcels 29-82C and 29-82D. The applicant has proffered conditions and requests amendments to the original proffered conditions as part of the rezoning proposal.

DESCRIPTION

- Property Owner: Villa Development, L.L.C. and Rainbrook Villas, L.L.C.
- Location: West side of Burts Road approximately 750 feet south of its intersection with Burts Road and Route 17.
- Area: Approximately 12 acres
- Frontage: Approximately 30 feet on Burts Road
- Utilities: Public water and sanitary sewer available
- Topography: Generally flat
- 2015 Land Use Map Designation: Conservation, General Business and Multi-Family Residential
- Zoning Classification: R-20 (Medium Density Residential), GB (General Business), and RC (Resource Conservation)
- Existing Development: Two single-family dwellings; the remaining parcels are vacant
- Surrounding Development:

North: Rainbrook Villas development (original approved project); vacant
parcel (former golf driving range) and Glen Laurel beyond
East: Burts Road; gas station, commercial development and Route 17
beyond
South: Newport News Watershed Management property
West: Newport News Watershed Management property

- Proposed Development: 54 Quadruplex units.

CONSIDERATIONS/CONCLUSIONS

1. In 1999 the Board of Supervisors approved Rainbrook Villas as a 124-unit (maximum) planned development of quadruplex houses targeted specifically to the “active senior” (ages 55 and over) population. A site plan for 112 units was submitted and approved for Phase One of the development. The developer is seeking to expand the 112-unit development by 54 units on an adjacent 10.14 acres. In addition, the applicant seeks to reclassify approximately 1.6 acres from R-20 (Medium Density Residential) to GB (General Business). The applicant has proffered conditions and requests amendments to the original proffered conditions as part of the rezoning proposal. The Comprehensive Plan designates this area for Conservation, General Business, and Multi-Family Residential uses.
2. The applicant plans to expand construction of a franchise condominium development with an emphasis on “active senior” living. In addition to seniors (age 55 and older), the developer will continue to target the disabled, single professionals, and working couples without children. According to the developer, of the approximately 70 units sold to date, 86% were purchased by seniors and 14% were purchased by single or working couple professionals without young children. A planned development classification would not be inconsistent with the development patterns in this area. It is important to note that the County’s Comprehensive Plan supports multi-family residential land use for portions of this property and the combined development proposal appears to be consistent with the development patterns of the adjacent properties, particularly the Glen Laurel and Grafton Woods single-family attached developments. In addition, the Housing element of the Comprehensive Plan states that townhouses, duplexes, and condominiums help to meet the needs of many senior citizens who are still able to live independently, yet choose to sell their homes in search of smaller housing that has low maintenance and increased security. The Comprehensive Plan highlights the Board of Supervisors' original approval of this development and notes that it is the only residential development in the County that specifically serves the senior adult population.
3. The combined condo-style development will consist of a maximum of 166 quadruplex units. The units range in size from 1,300 square feet for a two-bedroom unit to 1,800 square feet for a three-bedroom unit. The units are specially designed to accommodate the needs of seniors and the disabled. Some units, however, will be available for “single professionals” and “working couples.” These two groups are expected to occupy only about 20% of the total units, the remainder of which will be occupied by seniors.

There are no guarantees in either the applicant’s proffers or the conditions in the approving resolution that ensure that seniors will occupy the proposed units. Essentially, the proposal is a multi-family development. According to the applicant, however, the design of the units, including the restrictive covenants, will discourage potential buyers that have children, a major objective of the

franchise. The applicant has noted that the development will be absent the kind of amenities that are consistent with developments that cater to families with children like playgrounds (tot lots) and outdoor play equipment. Based on the demographic profile of the households that have purchased units so far, this strategy is having its desired effect.

4. The conceptual plan is intended to supersede the previously approved plan. The new plan includes both phases of the development (166 units maximum) and includes minor changes to the originally approved plan with the interconnection of street systems being the primary changes in Phase One. In addition to a net gain of 54 units, the expansion proposal includes additional recreation and green space area. A fifty-foot (50') buffer is shown surrounding both phases of the development. The recreation facilities proposed with the expansion include a recreation building and picnic area with restrooms and grilling area, a horseshoe pit, a rock garden and fountain, benches, and pedestrian trails linking to the trail system located on Newport News watershed property. Information regarding density, recreation area, and total area for the combined development is found in the table below.

<u>RAINBROOK VILLAS – PHASE I AND PHASE II</u>	
AREA OF SITE	29.625 ACRES
PROPOSED NO. OF UNITS	166 UNITS
RECREATION AREA	3.455 ACRES (11.66%)
OVERALL DENSITY	5.603 UNITS PER ACRE

5. In addition to a minor decrease in the maximum permitted density (from 5.9 units per acre to approximately 5.6 units per acre), the applicant has requested some minor changes to the originally approved conditions and proffers. The addition of six parking spaces for the existing pool and recreation facility is proposed to accommodate the proposed expansion. I do not believe that this change will be detrimental to the development because ample recreation and green space area are provided. In order to accommodate the access road for proposed Phase II of the development, buildings five (5) through eight (8) need to be shifted approximately 22 feet to the west of their originally approved siting. While this shift could be approved administratively, staff suggested that the applicant request this as part of the application because the shift is not necessary if the proposed expansion is not approved. In addition, the applicant originally proffered to construct a sidewalk along the entire internal loop of Phase One of the development and included that sidewalk as part of the construction of recreation facilities that were tied to the issuance of Certificates of Occupancy. The applicant requests that the internal loop sidewalk construction be delayed until the buildings within the internal loop are completed. The developer has a surety bond on file with the County to ensure that all phases of the project are completed. I do not object to the proposed delay of the sidewalk construction.
6. Access to the development is provided on Route 17, just south of its intersection with Dare Road and Grafton Drive. The 200' right turn lane recommended in the original traffic impact analysis has been installed on southbound Route 17 at the entrance to the development, as required in the original approval. The applicant proposes to establish a second entrance onto Burts Road and is proffering that both the existing entrance and the proposed entrance be temporary as a result of efforts by the County and VDOT to realign and connect Grafton Drive and Burts Road. The Grafton Drive/Burts Road realignment has been included in the County's Six-Year Secondary

Roads Improvement Plan and is currently in the preliminary design phase. The preliminary plans submitted by the applicant closely resemble the current proposed preliminary alignment of Burts Road as drafted by VDOT. It is important to note that this alignment may change because it is preliminary and has not yet been advertised for public hearing or approved by the Commonwealth Transportation Board. Once the design is finalized and public hearings are held, construction should commence between 2005 and 2006 (as currently scheduled). The applicant has proffered to dedicate (on the combined development parcels) the right-of-way necessary to complete the roadway realignment. I believe that the proposed temporary entrance on Burts Road should not be permitted because of the current conditions of this roadway and the safety concerns associated with the Burts Road/Route 17 intersection. Phase Two of the development is accessible through Phase One and staff recommends that the proposed second temporary entrance on Burts Road not be installed. The Department of Fire and Life Safety recommends that an emergency services access be established at this location to assist in emergency response. This access can be constructed with a compacted gravel base overlaid with a layer of soil capable of supporting grass and accommodating the weight of large fire and rescue apparatus. Access can be controlled by a fence or bollards using a County lock with the fire department controlling the key. (This system is currently in place between Running Man and Wythe Creek Farms.)

7. The applicant is required to complete a major water quality impact study because the proposed development lies within the Watershed Management and Protection Area Overlay District. This study must be completed and submitted to the Department of Environmental and Development Services for review with the site plan. The development will continue to be served by a regional stormwater management pond established by the City of Newport News Waterworks Department to protect adjacent reservoir watershed property. The stormwater pond is located to the west of the proposed expansion. The City of Newport News provides maintenance for the stormwater facility and collects stormwater management fees from its users.
8. The applicant also requests to reclassify approximately 1.6 acres on the west side of existing Burts Road (what will be the east side of Burts Road realigned) from R-20 (Medium Density Residential) to GB (General Business). The Comprehensive Plan designates this area for General Business uses. I concur with this request because commercial development would be preferable to residential development in this location and will be consistent with the existing development of properties both on Route 17 and on the east side of existing Burts Road.
9. The property owner has voluntarily proffered several conditions as part of this application. These proffers are intended to supersede the originally approved proffers and apply to both phases of the development. With the exception of condition numbers 9B and 10B referencing the temporary access on Burts Road, I believe that the proffers will ensure that the project is constructed as proposed and that quality amenities will be provided for the residents.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on April 11, 2001 and, subsequent to holding a public hearing, voted 7:0 to recommend approval with the deletion of proffers 9B and 10B (referencing the proposed temporary entrance on Burts Road) of the approving resolution. The Planning Commission recommended that the proposed temporary entrance not be constructed and an emergency services access be constructed in the proposed temporary entrance location.

COUNTY ADMINISTRATOR RECOMMENDATION

The Comprehensive Plan highlights the original approval of this project noting that it is the only residential development in the County that specifically provides for the needs of senior adults. A majority of the current purchasers fall into the senior adult population and the need to provide for senior housing in York County has been documented in the Comprehensive Plan and demonstrated through the initial success of Phase One of Rainbrook Villas. I believe that this expansion, if approved, will increase housing alternatives in York County for a growing segment of the population.

Finally, the Comprehensive Plan designates portions of the subject properties for Multi-Family Residential uses recognizing the existing development patterns. I believe that the Planned Development designation for the subject property would be consistent with Phase One of the development and that of the existing character of surrounding developments, particularly the Glen Laurel and Grafton Woods single-family attached developments, which will not be impacted adversely. In addition, I believe that the reclassification of the front portions of two parcels located on Burts Road from R-20 (Medium Density Residential) to GB (General Business) will be consistent with the development patterns in this area of Burts Road and Route 17 and with recommendations in the Comprehensive Plan.

I do not believe that a second temporary access into the development is warranted prior to the realignment of Burts Road. I recommend that the proffers referencing this entrance (9B and 10B) not be accepted. I believe that once the Grafton Drive/Burts Road realignment is complete, the establishment of two entrances into the development would be more acceptable. Based on these considerations and conclusions, I recommend that the Board approve this application through the adoption of proposed Ordinance No. 01-5, subject to conditions voluntarily proffered by the applicant, except as recommended herein.

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Attachments

- Excerpts from unapproved Planning Commission minutes, 4/11/01
- Zoning Map
- Project Narrative
- Preliminary Development Plan (2/28/01)
- Ordinance No. O99-3
- Correspondence from Newport News Waterworks (12/21/00)
- Proffers dated 4/3/01
- Proposed Ordinance No. 01-5